

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF TEXAS (HOUSTON)

IN RE: . Case No. 22-60043
FREE SPEECH SYSTEMS, LLC, et . Chapter 11
al. . 515 Rusk Street
Debtors. . Houston, TX 77002
Thursday, July 27, 2023
. 9:12 a.m.

TRANSCRIPT OF EMERGENCY MOTION FOR INTERIM AND FINAL ORDERS (I)
AUTHORIZING THE USE OF CASH COLLATERAL PURSUANT TO SECTION 105,
361, AND 363 OF THE BANKRUPTCY CODE AND FEDERAL RULE OF
BANKRUPTCY PROCEDURE 4001(B) AND (II) GRANTING ADEQUATE
PROTECTION TO THE PRE-PETITION SECURED LENDER [6];
EMERGENCY MOTION TO APPROVE ASSUMPTION OF COMMERCIAL REAL
PROPERTY LEASE WITH BCC UBC LLC [675]
BEFORE THE HONORABLE CHRISTOPHER M. LOPEZ
UNITED STATES BANKRUPTCY COURT JUDGE

APPEARANCES:

For Free Speech Law Offices of Ray Battaglia, PLLC
Systems, LLC: By: RAYMOND WILLIAM BATTAGLIA, ESQ.
66 Granburg Circle
San Antonio, TX 78218
(210) 601-9405

APPEARANCES CONTINUED.

Audio Operator: Zilde Compean, ECR
Transcription Company: Access Transcripts, LLC
10110 Youngwood Lane
Fishers, IN 46048
(855) 873-2223
www.accesstranscripts.com

Proceedings recorded by electronic sound recording,
transcript produced by transcription service.

APPEARANCES (Continued):

For Alex E. Jones and
Free Speech Systems,
LLC: Crowe & Dunlevy, P.C.
By: VICKIE L. DRIVER, ESQ.
2525 McKinnon Street, Suite 425
Dallas, TX 75201
(214) 420-2142

For PQPR Holdings
Limited, LLC: Streusand Landon Ozburn Lemmon LLP
By: STEPHEN WAYNE LEMMON, ESQ.
1801 S. Mopac Expressway, Suite 320
Austin, TX 78746
(512) 220-2688

For the U.S. Trustee: Office of the United States Trustee
By: HA MINH NGUYEN, ESQ.
515 Rusk Street, Suite 3516
Houston, TX 77002
(713) 718-4650

For the Subchapter V
Trustee: The Law Office of Liz Freeman
By: ELIZABETH CAROL FREEMAN, ESQ.
P.O. Box 61209
Houston, TX 77208-1209
(832) 779-3580

Also Present: PATRICK MAGILL

TELEPHONIC APPEARANCES:

For the Official
Committee of Unsecured
Creditors: Akin Gump Strauss Hauer & Feld LLP
By: KATHERINE PORTER, ESQ.
SARA L. BRAUNER, ESQ.
ANNA KORDAS, ESQ.
DAVID ZENSKY, ESQ.
One Bryant Park
Bank of America Tower
New York, NY 10036-6745
(212) 872-8027

Akin Gump Strauss Hauer & Feld LLP
By: MARTY L. BRIMMAGE JR., ESQ.
2300 North Field Street, Suite 1800
Dallas, TX 75201-2481
(214) 969-2885



TELEPHONIC APPEARANCES (Continued):

Subchapter V Trustee:

Haselden Farrow PLLC
By: MELISSA A. HASELDEN, ESQ.
Pennzoil Place
700 Milam, Suite 1300
Houston, TX 77002
(832) 819-1149

For the Texas
Plaintiffs:

Willkie Farr & Gallagher LLP
By: JENNIFER JAYE HARDY, ESQ.
600 Travis Street, Suite 2310
Houston, TX 77002
(713) 510-1766

For the Connecticut
Plaintiffs:

Paul Weiss Rifkind Wharton &
Garrison LLP
By: KYLE KIMPLER, ESQ.
1285 Avenue of the Americas
New York, NY 10019-6064
(212) 373-3253

Cain & Skarnulis PLLC
By: RYAN E. CHAPPLE, ESQ.
303 Colorado Street, Suite 2850
Austin, TX 78701
(512) 477-5000

For BCC UBC LLC:

Husch Blackwell
By: LYNN BUTLER, ESQ.
111 Congress Avenue, Suite 1400
Austin, TX 78701
(512) 472-5456



1 (Proceedings commence at 9:12 a.m.)

2 THE CLERK: All rise.

3 THE COURT: Please be seated. Okay. Thanks for
4 everyone's patience. I apologize. This is Judge Lopez. I'm
5 going to call Free Speech, here on a cash collateral issue.
6 And I will take appearances. Let me start in the courtroom.

7 Mr. Battaglia, good morning.

8 MR. BATTAGLIA: Good morning, Your Honor. Ray
9 Battaglia for Free Speech Systems. Patrick Magill, the chief
10 restructuring officer, is in the courtroom.

11 THE COURT: Good morning. Good morning.

12 Ms. Driver, Good morning.

13 MS. DRIVER: Good morning, Your Honor. Vickie Driver
14 on behalf of Mr. Jones in his bankruptcy case and as a party in
15 interest in the Free Speech case.

16 THE COURT: Okay. Good morning.

17 Mr. Lemmon, good morning.

18 MR. LEMMON: Good morning, Your Honor. Steve Lemmon
19 for PQPR.

20 THE COURT: Alrighty. Mr. Nguyen, good morning.

21 MR. NGUYEN: Good morning, Your Honor. Ha Nguyen for
22 the U.S. Trustee.

23 THE COURT: Okay. Ms. Freeman, good morning.

24 MS. FREEMAN : Good morning, Your Honor. Elizabeth
25 Freeman on behalf of Melissa Haselden, the Subchapter V



1 trustee. And Ms. Haselden is on the line.

2 THE COURT: Okay. And I see Ms. Haselden there.

3 Let's see. If anyone else wish to make an
4 appearance, the line is completely unmuted. So let's see if
5 there's -- Mr. Kimpler, do you wish to make an appearance?
6 I'm just going to go through the boxes, and I see my -- I'll go
7 to Ms. Porter next.

8 MR. KIMPLER: Yes, Your Honor, if you're able to hear
9 me, it's Kyle Kimpler from Paul Weiss on behalf of the
10 Connecticut plaintiffs.

11 THE COURT: Okay. Ms. Porter, good morning.

12 MS. PORTER: Good morning, Your Honor. Can you hear
13 me?

14 THE COURT: Just fine.

15 MS. PORTER: Great. Thank you. Katherine Porter,
16 and I'm appearing with my colleague and partner, Sara Brauner,
17 on behalf of the Committee.

18 THE COURT: Ms. Brauner, I see you there. Good
19 morning, as well.

20 MS. BRAUNER: Good morning, Your Honor.

21 THE COURT: Mr. Butler, good morning.

22 MR. BUTLER: Good morning, Your Honor. Lynn Butler
23 on behalf of the landlord BCC UBC LLC.

24 THE COURT: Okay. Good morning.

25 Mr. Chapple, good morning to you, as well.



1 MR. CHAPPLE: Good morning, Your Honor. Ryan Chapple
2 on behalf of the Connecticut plaintiffs as well.

3 THE COURT: Okay. Ms. Hardy, do you wish to make an
4 appearance?

5 MS. HARDY: Good morning, Your Honor. Jennifer Hardy
6 on behalf of the Texas plaintiffs.

7 THE COURT: Okay. Good morning.

8 Have I missed anyone who wishes to make an
9 appearance? Okay. Mr. Battaglia, I will -- tell me where we
10 are.

11 MR. BATTAGLIA: Good morning, Your Honor. There's
12 only one thing that's on the docket, the other that I've
13 communicated with your staff about hearing the motion to assume
14 the lease with BCC.

15 THE COURT: Yes.

16 MR. BATTAGLIA: And the cash -- I've had no -- I had
17 one common question regarding the cash collateral motion, but
18 the order was circulated to the parties. The budget was
19 circulated to the parties. I've received no questions or
20 comments, and those who have responded have indicated they have
21 no opposition.

22 The one comment that was made, there's -- there
23 was -- there's been a line item on the budget that's come on
24 and off for travel related to Mr. Jones. It's a \$15,000 line
25 item, and it was originally on to represent travel expenses for



1 an event in North Las Vegas of conservative thinkers. Donald
2 Trump, Jr. is there, a number of other people. And we budgeted
3 it based on nonprivate travel, so a common carrier. Hotel is
4 paid for by the sponsor.

5 And then Mr. Jones said that he's not going. He's a
6 featured speaker, but he says he's not going.

7 THE COURT: Okay.

8 MR. BATTAGLIA: We don't -- we think he should go,
9 frankly, but obviously he's going to go or not go of his own
10 accord, so we removed it from the budget.

11 And in discussions with Mr. Jones's counsel this
12 morning, they asked if we would put it back in the budget. If
13 we don't spend it, we don't spend it. But if he suddenly
14 changes his mind and decides he needs to be there, we want to
15 make it's budgeted.

16 THE COURT: You don't have to come back to court and
17 ask for it.

18 MR. BATTAGLIA: We discussed that with the U.S.
19 Trustee's counsel. And obviously, all invoices for travel
20 expenses are run through Mr. Magill to be approved and
21 reimbursed.

22 THE COURT: Yeah, I got it.

23 MR. BATTAGLIA: So we'd like to add that line item
24 back into the budget. I'd need to upload a different order
25 when I get back to the office to just add that line item.



1 THE COURT: Well, why don't we just -- if everybody
2 agrees to it on the record, I'm fine with that, make it more
3 efficient. I just --

4 MR. BATTAGLIA: Fine with me. So it -- I have --
5 this is --

6 THE COURT: The only stipulation I would have,
7 Mr. Battaglia, is I want to make sure that if that's what the
8 parties agree to as the line item, that it, essentially, is
9 just for that one event and it doesn't get used for other --
10 it's not a \$15,000 travel, it's just for one specific event.
11 If the parties have agreed to it, I won't stand in the way.
12 But I know you know that. I'm just stating it for the record.

13 MR. BATTAGLIA: Not a slush fund, we understand that.

14 THE COURT: Yeah. Okay.

15 MR. BATTAGLIA: And I -- I've -- obviously others who
16 are on the call, have -- this is the first they're hearing
17 that, so I certainly want to bring it up. And if anybody has
18 any comments --

19 THE COURT: No, I got it. Let me just open it up.
20 Does anyone -- Ms. Driver?

21 MS. DRIVER: Your Honor, I just do want to make a
22 point. There was something in the news press about this event,
23 which is actually how I found out about it.

24 THE COURT: I don't --

25 MS. DRIVER: That's okay.



1 THE COURT: Yeah.

2 MS. DRIVER: The only reason I mentioned it is
3 because the UCC and I had had a specific email conversation
4 where I told them Mr. Jones was not going. So I just want to
5 correct that for them, so they did not believe that I'm pulling
6 the rug out from underneath him.

7 At the time that he said he wasn't going, it was
8 supposed to be an outdoor event. It would just be, what I
9 would consider, completely miserable in the -- spent August in
10 the -- in Nevada. But they have moved that event indoors.
11 And, candidly, we really believe that it's a good event for him
12 to go to.

13 And so while he currently does not have booked plans
14 to go, we are just really hopeful that he will change his mind
15 since he has been billed as somebody that is speaking at the
16 event as kind of like -- almost like a keynote speaker. And we
17 think it just could be really good for the brand.

18 THE COURT: Okay. I will leave that up to Mr. Jones
19 as to whether he decides to go. I have not seen anything on
20 the news.

21 MS. DRIVER: I just wanted to get the Committee to
22 understand that I'm not trying -- to this is a -- different
23 from what we had emailed prior, but it was just a very new
24 development over the last two days. So I just didn't want them
25 to think that I was, again, pulling the rug out from underneath



1 them at the middle of a hearing.

2 THE COURT: Okay. All right.

3 MS. BRAUNER: Your Honor, Sarah Brauner, Akin Gump
4 Strauss Hauer & Feld, on behalf of the Committee. That's fine.
5 The Committee has no objection in either direction and
6 appreciate Ms. Driver's comments.

7 THE COURT: Okay. I appreciate it. And I think
8 what -- I just need to pick a date, right, on the matter of
9 cash collateral.

10 MR. BATTAGLIA: Yes, Your Honor. Yes, sir.

11 THE COURT: When in August were you thinking?

12 MR. BATTAGLIA: The budgets are monthly, so somewhere
13 towards the end of the month. And I don't have my calendar up.
14 I don't think I have --

15 THE COURT: Would August 29th --

16 MR. BATTAGLIA: That'd be fine. I was just going to
17 say my anniversary is the 31st. That would be a bad day
18 because I --

19 THE COURT: Yeah. No, I'm not --

20 MR. BATTAGLIA: -- wouldn't be alive to be able to
21 attend. The 29th is fine, Judge.

22 THE COURT: August 29 at -- why don't we do 11 a.m.
23 and just kind of see where we are on that?

24 MR. BATTAGLIA: Okay. And the other matter that the
25 Court has agreed to take up is the motion to assume a



1 commercial real property lease. The debtor occupies one
2 property in Austin, Texas, has occupied it for well over a
3 decade now, I think.

4 We're up to the sixth lease amendment, and it is the
5 location of the four studios. It's also the administrative
6 offices and all of the debtors' installed equipment relating to
7 broadcasting, satellite broadcasting and -- is contained within
8 there. It's not something that we can move from, certainly not
9 quickly and not readily, and not without great expense.

10 We have, I think, exhausted Mr. Butler's client's
11 willingness to give us another extension, and we certainly are
12 without leverage to force him into yet a third extension. As I
13 think he told me on the phone one day, his clients have
14 actually picked up some bankruptcy material and figured out
15 that they don't need to do this. So because of their
16 education, we're compelled to move forward the motion to assume
17 the lease.

18 We're current on the lease. There are no defaults,
19 of course, other than perhaps the bankruptcy clause, and
20 there's been no request for adequate assurances. But if there
21 was, I would certainly call Mr. Magill to say that we have the
22 cash and the ability to pay and have paid for ten years running
23 on the lease.

24 THE COURT: Okay.

25 MR. BATTAGLIA: So unless the Court requires further



1 evidence, I'll let Mr. Bulter respond.

2 THE COURT: No, I'll just open it up. I know we're
3 taking this up on an emergency basis. Let me just ask if
4 anyone has any issues with me taking this up today or with the
5 assumption of the lease?

6 MR. KIMPLER: Your Honor, It's Kyle Kimpler. On
7 behalf of the Connecticut plaintiffs. I just wanted to make a
8 few quick comments.

9 We did not file an opposition. You may recall, Your
10 Honor, that a similar motion was filed, I believe, in January
11 or February of this year. At that time, we did file an
12 opposition listed at Docket Number 454.

13 THE COURT: Yeah.

14 MR. KIMPLER: We expressed concern about the
15 potential creation of administrative expense claims here.
16 Frankly, we still have very significant concerns over that, but
17 I'm able to read the statute. I understand that, you know, as
18 Mr. Battaglia just said, there's really no way to compel the
19 landlord to extend further and, you know, the other option
20 would then just be to move to reject. And I think that's
21 probably premature too.

22 So we feel like we don't really have good options
23 here, and so we have not filed an objection or made any
24 objection. But I just did want the Court to know that we
25 remain concerned, you know, over the potential administrative



1 priority claims that may be created here, given what I consider
2 to be still the uncertain path forward so --

3 THE COURT: Yeah, understood. I appreciate it.

4 MR. KIMPLER: Thank you, Your Honor. That's all we
5 had.

6 THE COURT: Anyone else wish to be heard?

7 Okay, I'm going to take this up. I do agree that the
8 statute -- this is a lease of nonresidential real property and
9 the Code does have specific deadlines by which the debtor must
10 either assume or reject. And parties can agree by stipulation
11 to extend that time, but there are -- the Code, essentially,
12 dictates what happens if that time expires. And once it
13 happens, it happens and you can't revisit the decision.

14 So -- and this has been -- there have been several
15 extensions, and I think this is obviously where the debtor
16 operates his main facility. And so certainly the test of
17 business judgment has been met, and I appreciate everyone
18 jumping on, on this one.

19 I'm going to grant -- I'm going to take this up on
20 emergency consideration on the motion, that the consequences of
21 being idle and allowing the Code to, essentially, take effect
22 mandate, really, that I take this up on an emergency basis in
23 my opinion. So I'm going to grant the motion and can take care
24 of that today, and I'll sign the proposed order that was at
25 675.



1 MR. BATTAGLIA: Yes, sir.

2 THE COURT: It's bare bones. It gets right to the
3 point, Mr. Butler. So you can tell your clients it's off to
4 docketing today. Everything will be assumed and --

5 So I -- since we're all here, and I know that we take
6 matters up in Jones and in Free Speech, but I did sign the
7 9019. I did appreciate that the declaration was placed on
8 file. I didn't want to leave anyone with the impression -- I
9 probably wouldn't have signed it that day either. I would have
10 needed to hear from Mr. Jones on that day.

11 It's still In Re Alex Jones, so -- and when you start
12 approving 9019 settlements of an individual, I need an
13 individual to tell me that they're okay with it and the
14 magnitude. So I -- but I appreciate it. It's on file. It
15 gave me what I needed, I think the evidentiary comfort to know.
16 So I signed both of those 9019s. I just wanted to close the
17 loop on that.

18 I know that we're not taking up summary judgment, but
19 a lot of the parties are here in the Free Speech matter, that
20 we are taking up summary judgment in the Alex Jones matter with
21 respect to the nondischargeability action. I know that my
22 understanding, based on my -- when I spoke to my case manager,
23 everybody's still trying to figure out a date to have kind of
24 the pre-summary judgment meeting. If you all want to keep
25 working on it, you can.



1 I do know my -- I guess my case managers alerted me
2 to one issue about video -- use of video clips or something.
3 And I just -- there are some issues that are coming up. And
4 what I'm asking you all to do is just talk before we have a
5 hearing, and I would rather just have a list. I don't know if
6 it -- there are issues that are coming up, to my understanding,
7 and I just want to have a meeting about everything, about what
8 could be coming up, what could not be coming up, and I just
9 want everyone to talk.

10 I would rather everyone just agree on what I can
11 consider for summary judgment, and then we have a meeting and
12 we talk about it. And the day is filled with argument and
13 that's it, because that's all I'm going to consider, is
14 argument on that day. And I just know a lot of things can come
15 up and -- so we can pick a day.

16 But I just wanted to stress to everyone, I'm really
17 focused on just the legal argument on that day. I'm not going
18 to rule from the bench on that day. I'm just going to tell you
19 know. I'm going to -- I don't want to prejudge anything. I
20 want people to come in with robust arguments. And I'm going
21 to -- so whatever the argument is, I want to -- and I want to
22 know exactly what I should be considering as summary judgment
23 evidence, and then I'm going to go back and think about it, and
24 I'm going to write a thoughtful decision. I think this is of
25 such a magnitude and such importance to all the families that



1 I'm going to sit back and think about it.

2 So whatever evidence is going to be presented, in
3 whatever form it is, I just want everyone to talk about it and
4 we can come up with stuff on that date and kind of figure it
5 out. So I do think it's important. But if we all agree on in
6 terms of what the docs are, how they're going to get to me,
7 maybe we need the meeting, maybe we don't, and we can just talk
8 about start time and end time. But I'm essentially just going
9 to have an argument.

10 I'm focused on the legal argument as I begin my
11 preparation, so I just -- but I don't want it -- I'm not going
12 to rule that day. I just think it's -- normally everyone
13 should be prepared for that. But I think on this one, I want
14 to make sure that I sit back and hear the arguments and come
15 back in and think about it, because it's of such magnitude.
16 And I think the parties deserve a thoughtful decision from me,
17 like, kind of laying out the issues and the two sets of
18 plaintiffs. Lots of legal issues, lot going on, but I'm going
19 to give everyone a chance to tell me what they want.

20 I would tell everyone, don't read into me asking
21 questions. Don't read into me not asking questions. I'm just
22 going to -- I mainly want to hear the thoughtful legal argument
23 and what's important and what's not important. So today's not
24 the day to take any of that up. I just want parties to talk
25 before we walk into a meeting.



1 What I don't want is to walk in on the summary
2 judgment date and people not having discussed, at least at some
3 level, what everybody can agree on for me to consider. That's
4 what I care about a lot. And we can take -- obviously, no one
5 has to agree on everything, but the fact that the discussions
6 were happening were important to me.

7 So I just thought it was important to say all of
8 that. Today's not really the day to take any of it up. I
9 probably opened up the door to some comments being said, but
10 I'll just leave it there in terms of -- I'm happy to make the
11 calls on those days. But I just wanted to give everyone kind
12 of at least a roadmap as to the way I'm thinking about the
13 summary judgment issue.

14 And again, it's just for the Alex Jones matter.
15 We're not taking up the Free Speech. The stipulation -- the
16 Fifth Circuit will take that, and that course will take
17 whatever course it takes. And I've got no statements or
18 judgments about that in any way.

19 So today was really about cash collateral and the
20 lease assumptions. But my understanding is that folks are
21 having conversations about summary judgment, and we may not
22 agree on a date, or maybe a date just doesn't work for all the
23 parties. So I figured I would get what I really care about,
24 what it is. And if we need to have the hearing, then let's
25 have it. But if everybody gets together and agrees on stuff,



1 then let's do that. If there's disagreements, then let's talk
2 about it. I don't know, let's pick a date a day before, a week
3 before, and just have a discussion about what it is. So we've
4 got plenty of time.

5 I'm just looking at my calendar now, and I'm sure
6 you've heard from my case manager a lot more who has a much
7 better read on all of this. But whenever you need me, I'll
8 come in. And if we've got to come in late on a date, then
9 let's do that. Okay? I'll just leave it there, and I won't
10 say anymore.

11 And I probably shouldn't end it taking comments,
12 because that -- I just figured I would just -- is there someone
13 that -- I'm just going to ask they please put your phone on
14 mute, whoever it is. That's probably enough for today.

15 MR. BATTAGLIA: Your Honor, obviously I'm much more
16 than an interested spectator, but on --

17 THE COURT: Yeah.

18 MR. BATTAGLIA: -- on the summary judgment hearing,
19 and I thought that is set on the 15th. Is that correct?

20 THE COURT: Correct.

21 MR. BATTAGLIA: Okay. We had talked -- or you had
22 mentioned it the last time we were here about wanting a case
23 status conference. And I know August 9th was floated as a
24 date. I don't know that anything was set though.

25 THE COURT: Yeah. It was really kind of to talk



1 about stuff like this and kind of what -- where we are and
2 what's going on. But I want everyone focused on the summary
3 judgment. But I -- but with so much at stake --

4 MR. BATTAGLIA: That's fine.

5 THE COURT: -- what I didn't want to do was spend the
6 first hour --

7 MR. BATTAGLIA: Understood.

8 THE COURT: -- where no one had spoken. You know,
9 sometimes we pick a date, then it forces people to talk so that
10 they know they're going to -- because they know I'm going to
11 ask questions. So that was really kind of the driver on that.

12 MR. BATTAGLIA: We do have some other matters that
13 we're going to ask your staff to get set. There's a turnover
14 motion with respect to Cicack --

15 THE COURT: I did see that.

16 MR. BATTAGLIA: -- ATS money, and I know there's a
17 related issue with the platinum products with ESG common
18 parties represented by Mr. Patterson that we probably need to
19 get set. I mean, we're still working and trying to get them
20 resolved, but if we can, it's just time to put an end date.

21 THE COURT: Good. Why don't we just -- so what I
22 would ask today is why don't we -- I will -- I'm asking
23 everyone today. I've got a couple of matters, but my case
24 manager will be around. Why don't we just pick a date, and it
25 can be early in the morning or late in the afternoon. And why



1 don't we just carve out an hour? And we can -- we'll put those
2 matters on the agenda, and then we'll just have a general --
3 I'll call both cases, and we'll just kind of take everything up
4 there. Not sure it'll be an evidentiary hearing on like a
5 turnover motion, but if you need more time then we'll pick --
6 we'll have to adjust it.

7 But maybe we can just carve out our hour and a half
8 and just kind of see where it is, so if we need the full hour,
9 hour and a half, we have it. If not, then -- but what I am
10 asking the parties is to talk before we kind of get in there.

11 MR. BATTAGLIA: Yes, sir.

12 THE COURT: Okay?

13 MR. BATTAGLIA: You got a date to suggest, or you
14 want us to just talk with all your staff?

15 THE COURT: No, I'm -- I'll make it work,
16 whatever date y'all need. But I want it the week of the 7th.
17 I don't want -- yeah, I definitely want it the week of the 7th
18 because -- the reality is the 14th -- I'm not here on the 14th,
19 15th is summary judgment, and I fly out somewhere on the 16th.
20 So it's got to be the week of the 7th if we're going to have
21 meetings and stuff.

22 MR. BATTAGLIA: Are there dates that aren't available
23 on that week or -- it's a --

24 THE COURT: No, no.

25 MR. BATTAGLIA: Okay. I'll get with Mr. Patterson,



1 Mr. Cicack, and Ms. Driver, and we'll find a date that works.

2 THE COURT: And I would just ask that whatever time
3 we pick, let's just pick it so we can have our pre-summary
4 judgment discussion, if it's needed. And if it's not needed
5 and if everybody agrees on stuff, then it's all good with me.

6 MR. BATTAGLIA: We'll include the plaintiffs' counsel
7 also, as far as an available date.

8 THE COURT: I can tell you -- I'm just looking now --
9 give me a second, let me -- I think the 7th, in the afternoon
10 has opened up, right? And so that means anytime in the
11 afternoon on the 7th. And if that doesn't work -- I'm just
12 throwing out dates. I'm just giving you options. I think the
13 morning of August the 8th, the afternoon of August the 9th --
14 give me a second, what is this -- the afternoon of August the
15 10th, August the 11th, I don't know.

16 MR. BATTAGLIA: Okay. That's enough days. If we
17 can't figure that out with those four days -- yeah, I
18 understand.

19 THE COURT: Yeah. And again, I don't care if we have
20 a hearing at eight o'clock at night. If we need to have it,
21 we'll have it one of those days. You know, I'm just saying the
22 afternoon, and we can -- I'll make it work if it works for the
23 parties. And I got it. Sometimes folks have multiple
24 hearings. Someone may be in trial or something. And if we've
25 got to split it up for two days, you now have four days where



1 maybe we can have our summary judgment discussion or at least
2 have something on the books. At least I want dates there, and
3 we'll kind of figure it out.

4 MR. BATTAGLIA: We'll work amongst ourselves and get
5 with your staff.

6 THE COURT: Okay.

7 MR. BATTAGLIA: That's all I have, Judge.

8 THE COURT: Alrighty. Folks, anything else we need
9 to talk about today?

10 Alrighty. Thanks for everyone in jumping on the
11 line. I did mention -- I do want anyone who's going to argue
12 on the summary judgment, I want you here in person. I don't
13 want technical issues, and stranger things have happened. You
14 know, people dial in. So at least if something happens to the
15 video -- and I'm not saying it does, and we've got excellent
16 technology -- I just want -- everyone can dial in and listen,
17 right? And we've got the option of video. And I just want
18 everyone to be here, and I want to make sure that I can hear
19 what's going on. And cell phone noise and I don't know how
20 many people are going to dial in, I just want avoid all of
21 that. Whoever's going to argue, I'd like you to come in.

22 The weather seems to be getting a little better in
23 Houston, so if I would have called you in last month, that
24 might have been cruel and unusual, but I think now it seems to
25 be getting a little better. But no promises, no guarantees.



1 Just come on in and just make the argument live where I know we
2 can avoid the technical issues. And obviously encourage the
3 parties to continue to talk throughout the period.

4 So in terms of time for a decision, I -- two weeks
5 after argument, by no later than that, you'll have a decision.
6 I just don't want to prejudge it. I don't want to come in with
7 thoughts. I'm beginning my preparations now. If anything
8 changes, you all let me know. But I'm going to continue to
9 prepare as I've been, and you'll probably have a thoughtful
10 decision, hopefully within -- no later than two weeks after --
11 so whatever, August 29th date, it'll probably be right around
12 that time that we have -- that you get a decision on the
13 summary judgment, if that's what the parties choose for me to
14 do. Okay?

15 MR. BATTAGLIA: Yes, sir.

16 THE COURT: Alrighty, folks. Thank you. Have a good
17 day.

18 (Proceedings concluded at 9:37 a.m.)

19 * * * * *

20

21

22

23

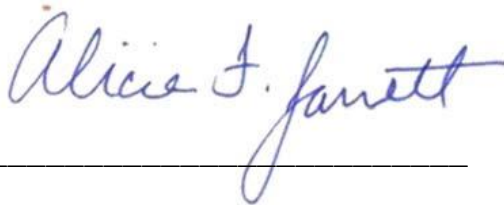
24

25



C E R T I F I C A T I O N

I, Alicia Jarrett, court-approved transcriber, hereby
certify that the foregoing is a correct transcript from the
official electronic sound recording of the proceedings in the
above-entitled matter.



ALICIA JARRETT, AAERT NO. 428

DATE: July 31, 2023

ACCESS TRANSCRIPTS, LLC

